



**GOVERNMENT OF MALAWI**

**ELECTRICITY SUPPLY CORPORATION OF MALAWI (ESCOM) LIMITED**

**MALAWI EMERGENCY POWER RESTORATION PROJECT**

**GENDER BASED VIOLENCE/ SEXUAL HARRASSMENT/SEXUAL EXPLOITATION AND  
ABUSE PREVENTION AND RESPONSE PROCEDURE**

**FEBRUARY 2024**

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## ABBREVIATIONS

|            |   |   |
|------------|---|---|
| CAE        | : | Child Abuse and Exploitation  |
| C-ESMP     | : | Contractors Environmental and Social Management Plan                  |
| CoC        | : | Code of Conduct   |
| CRW        | : | Crisis Response Window  |
| EGENCO     | : | Electricity Generation Company  |
| ESCOM      | : | Electricity Supply Corporation of Malawi Ltd                          |
| ESMP       | : | Environmental and Social Management Plan                              |
| GBV/SH/SEA | : | Gender Based Violence/Sexual Harassment/Sexual Exploitation and Abuse |
| GoM        | : | Government of Malawi  |
| GRC        | : | Grievance Redress Committee   |
| GRM        | : | Grievance Redress Mechanism   |
| GRS        | : | Grievance Redress Service   |
| GVH        | : | Group Village Headman   |
| IA         | : | Implementing Agency   |
| IDA        | : | International Development Association                                 |
| IEC        | : | Information, Education and Communication                              |
| LMP        | : | Labour Management Procedure   |
| MEPRP      | : | Malawi Emergency Power Restoration Project                            |
| MGDS       | : | Malawi Growth & Development Strategy                                  |
| NEP        | : | National Electrification Program                                      |
| NPGRC      | : | National Project Grievance Redress Committee                          |
| NGO        | : | Non-Governmental Organization   |
| PAP        | : | Project Affected Persons  |
| PIU        | : | Project Implementation Unit   |
| PMU        | : | Project Management Unit   |
| PST        | : | Project Support Unit  |
| SAPP       | : | Southern Africa Power Pool  |
| SDGs       | : | Sustainable Development Goals   |
| SEA        | : | Sexual Exploitation Abuse   |
| SEP        | : | Stakeholder Engagement Plan   |
| SGI        | : | Social and Gender Inclusion   |
| SH         | : | Sexual Harassment   |
| TA         | : | Technical Assistance  |
| T/A        | : | Traditional Authority   |
| TIP        | : | Trafficking in persons  |
| TMP        | : | Third Party Monitor   |
| WB         | : | World Bank  |

## DEFINITION OF SELECTED TERMS USED

**Age of Consent:** The World Bank considers a child or children as anyone under the age of 18, under the age of which they are not able to give free and voluntary consent (see 'Consent' below), and this is embodied in the World Bank's Standard Procurement Documents (SPDs). Mistaken belief regarding the age of the child and consent from the child is not a defence. The age of consent as per laws of Malawi is 18 years. There is no consent when it comes to minors under the age of 18.

**Child:** is used interchangeably with the term 'minor' and refers to a person under the age of 18. This is in accordance with the laws of Malawi and Article 1 of the United Nations Convention on the Rights of the Child.

**Child Sexual Abuse:** is defined by the age of the victim/survivor, which per the World Bank defines is anyone under the age of 18. Child sexual abuse includes different forms of sexual relations with a childbearing in mind that a child cannot give informed consent.

**Consent:** refers to when a person makes an informed choice to agree freely and voluntarily to do something. There is no consent when agreement is obtained through: (i) the use of threats, force or other forms of coercion, abduction, fraud, manipulation; (ii) the use of a threat to withhold a benefit to which the person is already entitled; or (iii) a promise is made to the person to provide a benefit.

**Environmental, Social, Health and Safety (ESHS):** an umbrella term covering issues related to the impact of the project on the environment, communities, and workers.

**Gender-based Violence** is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (that is, gender) differences between males and females. GBV includes acts that inflict physical, mental, or sexual harm or suffering; threats of such acts; and coercion and other deprivations of liberty, whether occurring in public or in private life. Manifestations of GBV include, but are not limited to, physical violence, such as slapping, kicking, hitting, or the use of weapons; emotional abuse, such as systematic humiliation, controlling behaviour, degrading treatment, insults, and threats; sexual violence, which includes any form of non-consensual sexual contact; early/forced marriage, which is the marriage of an individual against her or his will; and denial of resources, services, and opportunities, also known as economic abuse, such as restricting access to financial, health, educational, or other resources with the purpose of controlling or subjugating a person. Trafficking, abduction, and coerced transactional sex also constitute forms of GBV. The term GBV is often used interchangeably with the phrase violence against women and girls.

**GBV/SH/SEA/ Services Provider:** an organization with the skills and resources to provide support to survivors of GBV/SH/SEA, including SEA, in one or many of the key response areas: health, safety/security, access to justice/legal services, psychosocial support; safe house/shelter; and livelihood support.

**Mitigation of GBV/SH/SEA:** refers to reducing the risk of exposure to GBV/SH/SEA (e.g., ensuring that reports of "hot spots" are immediately addressed through risk-reduction strategies, such as ensuring sufficient lighting etc.).

**Perpetrator:** the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV/SH/SEA.

**Prevention of GBV/SH/SEA:** generally, refers to taking action to stop GBV/SH/SEA from first occurring (e.g., scaling up activities that promote gender equality; working with communities, particularly men and boy to address practices that contribute to GBV/SH/SEA).

**Project Implementation Unit (PIU):** This is the unit set up by the client to oversee the implementation of the project, also referred to on some projects as the 'Project Management Unit' (PIU) or the 'Project Support Team' (PST).

**Project Site:** The location where the project's activities are being undertaken. That is, any and all parcels of real property, rights-of-way, Wayleave easements and access roads, upon which the Project and its related infrastructure will be located.

**Project Area of Influence** which is the broader geographic area of influence of the project.

**Sexual Exploitation and Abuse (SEA):** is a facet of GBV defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially, or politically from the sexual exploitation of another. Sexual abuse is further defined as “*The actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.*” In the context of Bank supported projects, SEA occurs against a beneficiary or member of the community. Both women and men can experience sexual exploitation and abuse. SEA experienced by women and girls because of gender can be considered a type of GBV.

**Sexual favours:** is a form of sexual harassment and includes making promises of favourable treatment (e.g., promotion) or threats of unfavourable treatment (e.g. loss of job) dependent on sexual acts—or other forms of humiliating, degrading or exploitative behaviour

**Sexual Harassment (SH):** includes unwelcome sexual advances, request for sexual favours, and other verbal or physical conduct of sexual nature. Sexual harassment is different to SEA in that it occurs between personnel/staff and involves any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature. The distinction between the two is important so that agency policies and staff trainings can include specific instruction on the procedures to report each. Both women and men can experience sexual harassment.

**Survivor/Survivors:** the person(s) adversely affected by GBV/SH/SEA. Women, men and children can be survivors of GBV/SEA/SH.

**Survivor Centred Approach:** all those who are engaged in addressing GBV/SH/SEA prioritize the rights, needs, and wishes of the survivor.

## 1. INTRODUCTION

Identifying and addressing issues related to Gender Based Violence, Sexual harassment, Sexual Exploitation and Abuse GBV/SH/SEA), is an important part of overall social-risk mitigation in Malawi Emergency Power Restoration Project (MEPRP). This Prevention and Response Procedure applies to Component 2 of the MEPRP with ESCOM as the implementors. Establishing suitably designed and well-functioning Grievance Redress Mechanisms at all levels, that are GBV/SH/SEA sensitive is an essential component of the effort to identify, mitigate and respond to potential GBV/SH/SEA incidents associated with activities relating to Component 2. This Prevention and Response Procedure provides information to MEPRP Component 2 implementers to enable them to effectively support in setting up or adapting a Prevention and Response procedure to cater for safe and ethical uptake of GBV/SH/SEA allegations and provides strategies for mitigation. It complements and should be read in conjunction with the project's ESMP, SEP, GRM manual and Code of Conduct as well as the ESCOM's Anti-Sexual Harassment Policy.

A summary of the significant themes of the Prevention and Response Procedure is given below. The specific nature of GBV/SH/SEA requires tailored measures for the reporting and safe and ethical handling of such allegations through grievance mechanisms. The Project GRM places particular emphasis on the guiding principles of **confidentiality, survivor-centricity, and survivor safety** to adequately respond to allegations. For a GRM to effectively allow GBV/SH/SEA allegations to be reported, Contractors, PIU, Local Authorities and other implementers of the Prevention and Response Procedure need to undertake additional activities during GRM design, including identifying appropriate entry points for communicating the existence of the mechanism; identifying trusted reporting channels; evaluating the capacity of GRM; assigning a GBV/SH/SEA focal point; and establishing protocols for data sharing, collection, and storage.

## 2. BACKGROUND AND PROJECT OVERVIEW

MEPRP has two components namely: (i) Kapichira Dam Rehabilitation and Strengthening, and (ii) Transmission and Distribution Network Restoration. The first one being implemented by EGENCO whilst the second one implemented by ESCOM. This Procedure will focus on component 2. ESCOM plans to reconstruct its infrastructure damaged by tropical storm Ana including both transmission (132kV & 66kV) and distribution (33kV, 11kV and 400V lines) networks where several power line components have been affected. These include steel towers, wooden poles and structures, transformers, conductors, and insulators. The project will further construct two warehouses. Overall reconstruction and building construction will be carried out in a manner that will not jeopardize the physical and social well-being of contractors/ ESCOM staff, neighbouring communities, and the environment at large. The proposed project is anticipated to engage at least 3 different contractors who will be responsible for the works responsible for distribution, transmission, and warehouse construction. It is estimated that all these contractors will recruit about 50 to 100 workers throughout the project cycle. The project will ensure that gender principles are considered during recruitment of workers. The total cost of the IDA MEPRP component 2 Program is estimated at US\$ 15.30 Million, including consultants and support activities.

### 2.1. Project Components

The project has the two main components, the first being related to generation, and the second to transmission and distribution. This procedure therefore has been developed for implementation of Component 2.

#### **Component 2: Transmission and Distribution Network Restoration (US\$15.3 million IDA equivalent)**

This component will finance the reconstruction of ESCOM's infrastructure damaged by tropical storm Ana including both transmission (132kV & 66kV) and distribution (33kV, 11kV and 400V lines) networks where several power line components have been affected. These include steel towers, wooden poles and structures, transformers, conductors, and insulators among others. The damage caused by the tropical storm has been in various degrees including complete line sections, isolated structures and damage to specific equipment and materials in a manner that permanent rehabilitation works will have to comprise of complete line construction works, replacement of structures, and replacement of specific equipment and materials. As part of this reconstruction, natural and climate risks will be included in the engineering design. Examples of such resilience measures include, among others: provision of appropriate anchorage support, deep foundation, and size of footings to adapt against extreme wind and flooding, elevated control room and critical equipment to reduce flood hazard potential, use of steel, concrete or composite towers, creation of vegetation buffers and regular vegetation management.

### 3. BACKGROUND TO GBV/SH/SEA

Gender Based Violence, Sexual Harassment, Sexual Exploitation and Abuse is defined as any conduct, comment, gesture, or contact perpetrated by an individual based on gender on the work site or in its surroundings, or in any place that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to another individual without his/her consent, including threats of such acts, coercion, or arbitrary deprivations of liberty.

The objective of the GBV/SH/SEA Prevention and Response Procedure is to prevent sexual exploitation, abuse and harassment of women, men and children during implementation of the project through improved project risk assessment, active community engagement, and the design and monitoring of systems to minimize risks.

The project is classified as a Substantial GBV/SH/SEA risk project that requires an assessment of the GBV/SH/SEA related risks in the project's Environmental and Social Assessments and development of a GBV/SH/SEA action plan.

#### 3.1. GBV/SH/SEA Risks Associated with MEPRP

The project will involve the rehabilitation and increase resilience of transmission and distribution infrastructure damaged by Tropical Storm Ana. The scope of work will likely engage both men and women from surrounding communities working together on the selected project sites. This will present some level of social risks such as GBV/SH/SEA

The populations at high risk of GBV/SH/SEA are women and girls because GBV is largely rooted in societal norms that perpetuate power differentials between men and women. The major risk factors that aggravate GBV/SH/SEA include:

- High levels of poverty in the project area;
- Large population of young women;
- Large population of sex workers;
- Low education levels of women;
- Unstable social conditions;
- Unemployment rate of women (economic empowerment);
- Existence of norms supporting gender inequality;
- Lack of institutional support;
- High crime levels/violence;
- Influx of migrant workers;
- Inadequate knowledge of Gender Related Laws; and
- Lack of institutional support from law enforcing agents.

Some of the forms of GBV, that could arise from the project includes:

- Rape and sexual assault;
- Human Trafficking
- Sexual harassment;
- Unwanted pressure for sexual favours;
- Unwanted deliberate touching, leaning over, cornering, or pinching;
- Unwanted sexual looks or gestures;
- Unwanted letters, telephone calls, or materials of a sexual nature;
- Sexual comments;
- Physical violence/assault;
- Emotional and economic abuse;
- Use of abusive, sexually provocative, demeaning or culturally inappropriate language;
- Domestic violence;
- Sexual interactions that are not agreed to with full consent by all parties;



- Exchange of money, employment, goods, or services for sex, including sexual favours or other forms of humiliating, degrading or exploitative behaviour; and
- Discrimination against women and children.

### 3.2. GBV/SH/SEA Mitigation Measures

It is fundamental to point out that for some serious risks of GBV/SH/SEA such as rape, sexual assault and physical violence are criminal offenses, it should be encouraged to have these cases reported to the Police as early as possible as they are criminal in nature. However, it is important to note that reporting such cases to the police should be done based on the preference of the Survivor. Mandatory reporting to the authorities is reserved for cases involving children or minors.

Preventing and mitigating against project-related risk of sexual exploitation and abuse requires interaction and collaboration between and among different stakeholders that includes:

- Women and girls/children at risk, as well as other vulnerable populations in the targeted communities;
- Schools around the Project Areas
- Community leaders that can play a role in GBV/SH/SEA mitigation; such as chiefs, religious leaders etc.;
- Contractors and Consultants;
- PIU
- Government agencies at central and local levels, such as Ministry of Gender, Malawi Police service, District Councils and Ministry of labour;

GBV/SH/SEA related risks for a project rated substantial can be mitigated, prevented and avoided by putting in place or adopting the following measures elaborated in Table 1 below:

**Table 1: GBV/SH/SEA Mitigation Measures**

|   | Mitigation Measure  | Responsible                | Timeline                             | Budget (MWK) |
|---|---|----------------------------|--------------------------------------|--------------|
| 1 | Where allegations of GBV/SH/SEA have been confirmed without prejudice, to be true, the contractors shall invoke disciplinary measures for the workers such as suspension during investigation, demotion or firing, depending on the severity and magnitude of the case. This should be done in accordance with the Code of Conduct that each employee is to sign. |                            |                                      |              |
| 2 | Apart from putting in place mitigation measures in the Prevention and Response Procedure, it is also recommended to include an assessment of GBV/SH/SEA risks in the project's Environmental and Social Management Plans (ESMPs), LMP, SEP and Contractors ESMP.;   | ESCOM                      | Throughout the project Cycle         | TBA          |
| 3 | Clearly define the GBV/SH/SEA requirements and expectations in the bid documents, including the requirement for a Code of Conduct (CoC) which addresses GBV/SH/SEA:   | ESCOM, Owners<br>Engineer  | Prior to submission of Bid documents | TBA          |
| 4 | Address how GBV/SH/SEA-related costs will be paid in the contract, in the procurement documents;  | ESCOM                      | Prior to submission of Bid documents | TBA          |
| 5 | Evaluate the contractor's GBV/SH/SEA response proposal in the C-ESMP and confirm prior to finalizing the Contractual agreement to check Contractor's ability to meet the project's GBV/SH/SEA requirements.   | ESCOM, Service<br>Provider | Prior to contractor commencing work  | TBA          |

|    | <b>Mitigation Measure</b>  | <b>Responsible</b>                                   | <b>Timeline</b>                 | <b>Budget (MWK)</b> |
|----|--|--|---------------------------------|---------------------|
| 6  | During implementation, ensure that CoC are signed and understood by all contractor and consultant staff.   | ESCOM, Service Provider                              | During construction phase       | TBA                 |
| 7  | Conduct community awareness campaigns about GBV/SH/SEA risks, including Gender Based Laws Awareness, before the arrival of the contractors and commencement of the project inform project affected communities about GBV/SH/SEA risks, as part of stakeholder consultations. | ESCOM, Owners Engineer                               | Prior to construction phase     | TBA                 |
| 8  | Provide appropriate IEC material on GBV/SH/SEA in local language.  | ESCOM, Service Provider                              | Prior to construction Phase     | TBA                 |
| 9  | Assess and strengthen the Implementing Agency's capacity to prevent and respond to GBV/SH/SEA as part of project preparation   | ESCOM, Service Provider                              | Construction Phase              | TBA                 |
| 10 | Make certain the availability of an effective grievance redress mechanism (GRM) with multiple channels to initiate a complaint (parallel GBV/SH/SEA).  | ESCOM, Owners Engineer, Service Provider, Contractor | Prior to the construction phase | TBA                 |
| 11 | During works, separate ablution, restrooms and change room facilities for women & men, GBV/SH/SEA-free zone signage.   | Contractor   | Construction Phase              | TBA                 |
| 12 | Include a Social and Gender specialist with a background in GBV/SH/ in the PIU, supervision consultant's team and the contractor   | ESCOM, Owners and Engineer Contractor                | From the onset of the project   | TBA                 |
| 13 | The PIU shall recruit GBV/SH/SEA Service Provider to facilitate access to timely, safe and confidential services for survivors.  | ESCOM  | Prior to construction           | TBA                 |
|    | Development of the project's Referral Pathways   | GBV Service Provider                                 | Prior to construction           | TBA                 |

### 3.3. Addressing GBV/SH/SEA Risks on Projects

#### 3.3.1. Safeguards Instruments

Once the GBV/SH/SEA risks are identified, it is critical to ensure the project's safeguard instruments adequately address key risks. For ongoing projects, this may require updating and disclosing the projects safeguard documents. The key documents are:

#### **Stakeholder Engagement Plan (SEP)**

The Government of Malawi and the ESCOM have prepared a SEP that ensures that all relevant stakeholders, PAPs, and implementation partners are involved, consulted, and engaged about the MEPRP throughout the entire project cycle. The SEP shall be free of manipulation, interference, coercion, and intimidation, and shall provide stakeholders with timely, relevant, understandable, and accessible information in a culturally appropriate manner. It shall encourage interaction between Project implementer and identified groups of people and provide them with an opportunity to raise their concerns and opinions (e.g., by way of meetings, surveys, interviews and/or focus groups), and ensure that this information is taken into consideration when making project decisions.

#### **Labour Management Procedure**

The implementation of the MEPRP is expected to utilize expatriates, government, private and community human resources which are available at national, district and community levels. The Malawi Government recognizes that sound worker-management relationships, fair treatment of workers, promotion of gender equality and protection from gender-based violence (GBV) and provision of safe and healthy working conditions enhances development. It is for this reason that these labour management procedures have been developed for MEPRP. The objectives of the labour management procedures are to promote safety and health at work, promote the fair treatment, non-discrimination and equal opportunity of project workers, protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers and primary supply workers, as appropriate, prevent the use of all forms of forced labour and child labour, support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law and provide project workers with accessible means to raise workplace concerns. The Labour Management Procedure includes a Workers' Code of Conduct.

### **Grievance Redress Mechanism Manual (GRM)**

Grievance Redress Mechanisms are also important for any project to ensure that grievances are captured and resolved in the earliest time possible. They serve to prevent and address community and workers concerns, reduce risk, and assist larger processes that create positive social change. ESCOM and the project financier (World Bank) are committed to addressing and resolving grievances, disputes and conflicts that may arise while implementing the MEPRP Project. ESCOM has therefore developed a GRM as a recourse for situations in which some stakeholders may be aggrieved by the project activities and impacts. Some examples of likely sources of grievances during the MEPRP implementation include but not limited to damage of crops, encroachment into private and customary land, compensation issues, conduct and relationship with Contractors, land ownership disputes, perceived unfair compensations, delays in compensation, gender-based violence, Sexual exploitation and abuse, child labour and abuse, trafficking in person, sexual harassment, discrimination, corruption, low wages, delayed wages, theft of properties and other issues related to Contractor-Community relationship.

### **Environmental and Social Rules for Contractors**

These Environmental and Social Rules for Contractors are prepared for all the contractors to be engaged for the MEPRP construction activities. The rules include provisions for proper management of construction sites, safe storage of construction materials and safe disposal of wastes.

**Environmental and Social Management Plan (ESMP) for Warehouse and Transmission and Distribution Lines:** The ESMP is developed during project preparation and contains general mitigation measures. It is usually included as part of the tender package and thereby forms part of the construction contract. The ESMP should identify the activities to be undertaken, key risks (based on ESIA, if available), and their mitigation measures. The ESMP lays the first building block for approaching GBV/SH/SEA and should provide the appropriate umbrella framework for any proposed mitigation measures.

#### **3.3.2. Community Consultations**

Critical to the success of these core activities will be the participation of local communities in the project area of influence in understanding the risks and benefits of a project entering the community and helping identify the potential interventions and risk reduction strategies. Emphasis should be on consultations with women leaders, community leaders, and those working with adolescent girls and boys and other at-risk groups in the design of project activities, and monitoring of the implementation. These consultations need be continuous throughout the project life cycle, not just during preparation.

Community consultations should never directly ask about experiences of GBV/SH/SEA. In addition of any consultations are to take place with children, they must be carried out by a person trained on child consultations with understanding of local culture and customs. Considering these safety and ethical principles can prevent inadvertently causing harm when consulting with community members.

The project 'Area of Influence' extends beyond the specific location where civil works are being carried out into the wider surroundings. These neighbouring communities are at risk of GBV/SH/SEA, particularly when workers

are highly mobile. It is therefore essential that communities in the project area of influence, particularly women in these communities, be involved in the design, implementation, and evaluation of interventions, including the development of public information messages. The following outlines key considerations for the consultation process:

- Identify the project area of influence and plan community consultations on this basis.
- Conduct community consultations to ensure that those affected by the project are properly informed and get feedback on project design and safeguard issues.

With a particular focus on women, children, and other at-risk groups, each of which may require different approaches, it is important to ensure that the community is aware of:

- The project activities, and the ESHS and labour influx implications;
- How they can provide feedback on the project;
- Where the publicly disclosed safeguard documents can be accessed;
- ESHS and GBV/SH/SEA risks that may be associated with the project;
- The Employer's ESHS Policy as defined in the Bank's SPDs;
- The Codes of Conduct in use on the project;
- Who the local GBV/SH/SEA Services Providers are, how to contact them, and the support services offered; and,
- The channels available to lodge complaints, including GBV/SEA/SH complaints, through the GRM and how they will be addressed.

### **3.3.3. Establishment of the Project Grievance Redress Mechanism**

MEPRP has developed a GRM manual that guides the project on how to establish an effective and GBV/SH/SEA sensitive GRM. The Manual describes the procedures that shall be followed on the MEPRP to address and resolve grievances/complaints submitted by the PAPs who may be impacted by the implementation of the project. It intends to provide clarity and predictability on how grievances/complaints will be received, assessed, sorted, and resolved as well as how the mechanism will be monitored.

The purpose of the GRM will be to serve as recourse for situations in which individuals or communities or stakeholders may be aggrieved by the project activities and impacts. It is also meant to allow beneficiaries and stakeholders to provide feedback regarding project delivery, operation, and impacts. The GRM will be specifically aimed at attaining the following outcomes:

- Identifying grievances related to the implementation of MEPRP Project;
- Ensuring that grievances, disputes, or conflicts arising from implementation of this project are treated separately and as matter of priority;
- Ensuring that project implementation timelines and overall schedules are not compromised due to delays in resolving the grievances, disputes, or conflicts; and
- Cutting down on lengthy and expensive alternative litigation that project affected persons (PAPs) might otherwise have to resort to
- Providing a system through which stakeholders can provide feedback on the operations and impacts of the project.
- Providing mechanism for constant and relevant information sharing with all related stakeholders to mitigate any possible misunderstandings which may lead to avoidable grievances.

### **3.3.4. Handling of Sensitive Cases**

The project interventions may lead to sensitive grievances such as gender-based violence, sexual harassment, and sexual exploitation and abuse. Therefore, the project has developed this GBV/SH/SEA Prevention and Response Procedure. As mentioned above, the project will have a GBV/SH/SEA sensitive GRM in place for PAPs to have access to lodge any grievances they may experience. The project will also engage a GBV service Provider responsible for GBV/SEA/SH case management and together with the PIU, will train the GRCs on how to handle these sensitive cases.

All GBV/SH/SEA/VAC grievances will be referred to and handled by the GBV service provider and the PIU who will be working with Technical Working Groups under the Ministry of Gender, Community Development

and Social Welfare. The GRM will ensure victims are guaranteed confidentiality, safety, dignity and non-discrimination.

1. React calmly and listen carefully to what is being said;
2. Reassure the complainant/witness that s/he has right to raise the concern;
3. Reassure the complainant/witness that information will be kept confidential and only be shared on a “need to know” basis;
4. Ask only relevant questions required to gain a clear understanding of the complaint so that it can be passed on via GBV Service Provider’s reporting procedures;
5. Ensure that the survivor safety is not at risk;
6. Consider (prioritize) the survivor’s need for services including medical attention and use the available GBV referral pathways.
7. Recording of information, suspicions or concerns needs to be as clear as possible, as it may be used in subsequent disciplinary or legal action. i.e. Correct names of all involved, identity numbers of witnesses, victims.
8. The nature of the complaint. An accurate account of what was said by the survivor in her/his own words.
9. Key observations while receiving the complaint: Times, locations, dates given, whether anyone else knows or has been given information, whether survivor has accessed services;
10. Inform the complainant of the next steps in the procedure;

### **3.3.5. Referral Pathway**

GBV Referral Pathway provides Frontline Persons responding to GBV with a one-stop guide. It supports coordination among service providers to meet the needs of survivors. It not only coordinates service delivery and facilitate survivor’s access to services in “normal” times, but also can be used during emergencies and development contexts. It promotes the use of a survivor-centred approach that ensures survivors are active participants in defining their needs and deciding what options best meet their needs. Services providers can use it to advocate for survivor’s access to services, monitor service delivery, and follow up with survivors.

The goal is **NOT** to increase the number of cases referred, but to improve the quality and timeliness of care received. It is a flexible mechanism that safely links survivors to supportive and competent services in a timely way and include any or all the following: Health, Psychosocial, Security and Protection, Legal/Justice, and/or Economic Reintegration support as per the wishes of the survivor. There is no requirement or expectation for the survivor to access all services i.e., they may wish to receive health care but not report to legal/justice channels and this should be respected (except where there are mandatory reporting requirements e.g., of minors).

## **4. ROLES AND RESPONSIBILITIES IN RELATION TO GBV/SH/SEA MITIGATION, PREVENTION AND RESPONSE**

### **4.1. ESCOM's overall roles and responsibilities in are as follows:**

- Ensure that funds are available to properly implement all agreed measures to mitigate and prevent GBV/SH/SEA.
- ESCOM will provide overall coordination for the works that will be carried out by the GBV Service Provider, the Owners Engineer and the contractors. More so, ESCOM will also provide guidance and support where necessary.
- Ensure that the project, complies with the provisions of World Bank's Environmental and Social Framework (ESF), Good Practise Note: Recommendations for Addressing GBV in Infrastructure Projects, Good Practise Note: GBV/SEA Risk Assessment in Bank Supported Operations and The World Bank Survivor-Centred Response to SEA and SH Incidents.
- Ensure that Project complies with Government of Malawi environmental laws and regulations regarding GBV/SH/SEA.
- Ensure that tender and contract documents for civil the construction works include all relevant parts of this procedure.
- Submit at least quarterly safeguards monitoring reports to WB
- Promote institutional cooperation with the Labour Management Procedures and Labour Laws of Malawi to enforce compliance with labour laws, including GBV/SH/SEA prevention and response.
- Ensure that this Procedure's provisions are implemented to mitigate and prevent GBV/SH/SEA impacts.
- Engage and retain staff within PIU a social and gender safeguards specialist.
- Ensure issues related to sexual harassment and gender-based violence between workers and with communities are effectively dealt with respect to the applicable laws and rules;
- Establish a Grievance Redress Mechanism, as described in the SEP, to receive and facilitate resolution of affected peoples' concerns, complaints, and grievances about the Project's environmental and social performance as well as sensitive grievances relating to GBV/SH/SEA.
- Undertake monitor of the implementation of the ESMP (mitigation and monitoring)

### **4.2. Owners Engineers**

- Engage and retain full-time EHS and Gender staff);
- Incorporate into the project design the environmental and social protection and mitigation measures identified in this Procedure at the design stage.
- During the detailed design phase provide all necessary information to Contractors to facilitate obtaining environmental licenses prior to award of civil works contracts;
- Assist PIU in the review and approval of the contractor's Contracts
- Assist PIU to undertake monitoring of the implementation of this Procedure (mitigation and monitoring measures) including the incorporation of reports from the contractors;
- Assist PIU to prepare progress reports and safeguards monitoring reports for submission to including the incorporation of reports from the contractors and corrective action requests to Contractor;
- Based on the results of monitoring, visits identify corrective actions and prepare a corrective action plan, as necessary, for submission to WB.

### **4.3. Contractors**

- Participate in the induction training on this procedure's provisions.
- Prepare the contractors reports and submit to PIU for approval;
- Ensure that all workers, site agents, including site supervisors and management participate in GBV/SH/SEA training sessions delivered by PIU and Supervising Consultants/Engineers. Maintain a record of training and conduct of awareness sessions for staff to ensure compliance with environmental and safety statutory and contractual obligations.
- Enforce any disciplinary measures

#### **4.4. GBV Service Provider**

- Train workers in the Code of Conduct and ensure that all employees have signed the Code of Conduct
- To develop tools that can be used to train employees of contractor against Gender Based Violence (GBV)
- Develop tools that can be used to train employees of the contractors in prevention of Child Abuse and Exploitation
- Undertake training of the staff in GBV, CAE and Grievance Redress Mechanism (GRM)
- Undertake public awareness campaigns on Gender Based Violence, Child Abuse and Exploitation and Child labour
- Training the Workers and sensitize the communities on Grievance Redress Mechanism
- Prepare Posters, Brochures and leaflets about GBV, CAE and GRM
- Facilitate and provide guidance on the conducting of public awareness campaigns on Gender Based Violence, Child Abuse and Exploitation and Child labour. Based on practice, undertake an update of the following documents
  - Contractors ESMP
  - Contractors Child Labour Policy
  - Contractors Code of Conduct
  - Contractors Final Grievance Redress Mechanism
  - Contractors Final Sexual Harassment Policy
  - Contractors Final Community Communications Engagement Plan
  - Contractors Occupational Health and Safety Plan

## 5. REFERENCES

1. The World Bank Gender and Development Policy Framework – A Guidance Note
2. Good Practice Note: Environment & Social Framework for IPF Operations: Gender
3. World Bank Good Practice Note: Recommendations for Addressing Gender-Based Violence In Infrastructure Operations, 2018
4. World Bank Survivor-Centred Response to SEA And SH Incidents, 2020
5. Grievance Redress for Sexual Exploitation And Abuse In World Bank Projects 2019
6. Malawi Human Rights Commission: Guidelines for Sexual Harassment At The Public, Private And Informal Sector
7. Gender Equality Act 2014
8. Malawi Human Rights Commission: Sexual Harassment Workplace Policy February 2021 First Edition
9. Malawi Human Rights Commission: Sexual Harassment Training
10. ESCOMs Sexual Harassment Policy



## ANNEXES

**ANNEX 1: ESCOMs SEXUAL HARASSMENT POLICY**